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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,496	04/19/2004	Aurobinda Pradhan	13906-192001 / 2004P00032	3466
32864	7590	04/26/2007	EXAMINER	
FISH & RICHARDSON, P.C. PQ BOX 1022 MINNEAPOLIS, MN 55440-1022			ALI, OMAR R	
			ART UNIT	PAPER NUMBER
			2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/827,496	Applicant(s) PRADHAN ET AL.	
	Examiner Omar Abdul-Ali	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/10/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/04, 12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the original filing of April 19, 2004. Claims 1-36 are pending and have been considered below.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9-18, and 27-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-18, and 27-36: Claims 9-18, and 27-36 are drawn to a computer readable medium, which the applicant has defined in the specification (page 17, lines 1-9) to encompass an electronic transmission signal. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claims 9-18, and 27-36 are not statutory.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21 and 22 recites the limitation "the second user input". There is insufficient antecedent basis for this limitation in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farry et al. (US 6,069,628) in view of Kitami (US 5,668,962).

Claims 1 and 9: Farry discloses a method and system for selectable commands for displaying user interface panels further comprising creating key shortcuts (user selectable command) for application programs, and displaying windows(panels) for a particular application program in response to entry of the first key representation (column 2, lines 15-27/Figure 8D). Farry does not explicitly disclose the user selectable commands are displayed in a menu or receiving a second user input upon a first selection of the user selectable command, wherein the user-selectable command ceases to be displayed in the menu upon receipt of the second user input. Kitami discloses a similar system for selectable commands for displaying user interface panels

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that further discloses loading windows through selection from a menu on the display (column 4, lines 10-17), and deleting the identifier of a relevant window from the window identifier list when the user selects a deletion mode (column 4, lines 59-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the user selectable commands in a menu and receive a second user input upon a first selection of the user selectable command, wherein the user selectable command ceases to be displayed in the menu upon receipt of the second user input (deletion). One would have been motivated to place the commands in a menu in Farry to enable the user to view the various commands in one location. One would have been motivated to receive a second user input upon a first selection of the user selectable command in order to easily manage the windows for multiple applications in Farry.

Claim 2: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 1 above, and Farry further discloses the menu is not continuously displayed on the graphical user interface, and wherein a user can cause the menu to be displayed by selecting an input control for the menu (column 8, lines 44-47).

Claim 3: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 2 above. While neither reference explicitly disclosed the user selectable command ceasing to be displayed in the menu is

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noticeable to the user at a first time the menu is displayed after the second user input is received, it would have been obvious to one having skill in the art at the time the invention was made to do so. One would have been motivated to make the user selectable command visible at a first time the menu is displayed after the second user input is received in order to enable the user to view the command that corresponds to the desired panel.

Claim 4: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 1 above. While neither reference explicitly disclosed the application program is being executed when the first user input is received and thereafter closed before the second user input is received, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. Additionally, no patentable weight is given to the order in which the application programs are closed. One would have been motivated to close the application program before the second user input is received to free screen space.

Claims 5 and 10: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 1 and 9 above, and Farry further discloses a plurality of user selectable commands is displayed in the menu (column 12, lines 49-58).

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Claims 6 and 11: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 5 and 10 above, and Farry further discloses at least two of the plurality of user selectable commands are associated with panels that belong to different application programs (column 2, lines 15-27).

Claims 7 and 12: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 5 and 10 above. While neither reference explicitly disclosed at least one of the plurality of user selectable commands ceases to be displayed in the menu upon occurrence of a predetermined event other than user deletion, it would have been obvious to one having ordinary skill in the art at the time the invention to do so. The user may choose to shut down the system, which in turn would remove the display of the entire menu and the user selectable commands. One would have been motivated to cause the user selectable commands to cease to be displayed upon occurrence of a predetermined event other than user deletion for design choice.

Claims 8 and 13: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 5 and 10 above. While neither reference explicitly disclosed at least one of the plurality of user-selectable commands does not cease to be displayed in the menu upon user selection, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to do so. One would have been motivated to include this feature in order to enable the user to keep track of the selectable commands associated with specific panels of interest.

Claims 14 and 32: Farry discloses a method and system for selectable commands for displaying user interface panels further comprising creating key shortcuts (user selectable command) for application programs, and displaying windows(panels) for a particular application program in response to entry of the first key representation (column 2, lines 15-27/Figure 8D). Farry does not explicitly disclose the user selectable commands are displayed in a menu or the user-selectable command ceases to be displayed in the menu upon a first selection of the created user selectable command. Kitami discloses a similar system for selectable commands for displaying user interface panels that further discloses loading windows through selection from a menu on the display (column 4, lines 10-17), and deleting the identifier of a relevant window from the window identifier list when the user selects a deletion mode (column 4, lines 59-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the user selectable commands in a menu and cease to display a user selectable command in the menu upon a first selection of the created user selectable command. One would have been motivated to place the commands in a menu in Farry to enable the user to view the various commands in one location. One would have been motivated to cease to display a user selectable command in the menu upon a first selection of the created user selectable command in order to enable the

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user to keep track of the commands that have not been used when navigating between panels.

Claims 15 and 33: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 14 and 32 above, and Farry further discloses a plurality of user selectable commands is displayed in the menu (column 12, lines 49-58).

Claims 16 and 34: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above, and Farry further discloses at least two of the plurality of user selectable commands are associated with panels that belong to different application programs (column 2, lines 15-27).

Claims 17 and 35: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above. While neither reference explicitly disclosed at least one of the plurality of user selectable commands ceases to be displayed in the menu upon occurrence of a predetermined event other than user deletion, it would have been obvious to one having ordinary skill in the art at the time the invention to do so. The user may choose to shut down the system, which in turn would remove the display of the entire menu and the user selectable commands. One would have been motivated to cause the user selectable

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commands to cease to be displayed upon occurrence of a predetermined event other than user deletion for design choice.

Claim 18: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 15 above. While neither reference explicitly disclosed at least one of the plurality of user-selectable commands does not cease to be displayed in the menu upon user selection, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to include this feature in order to enable the user to keep track of the selectable commands associated with specific panels of interest.

Claims 19 and 27: Farry discloses a method and system for selectable commands for displaying user interface panels further comprising creating key shortcuts (user selectable command) for application programs, and displaying windows(panels) for a particular application program in response to entry of the first key representation (column 2, lines 15-27/Figure 8D). Farry does not explicitly disclose the user selectable commands are displayed in a menu or the user-selectable command ceases to be displayed in the menu upon occurrence of a predetermined event other than a user deleting the user selectable command. Kitami discloses a similar system for selectable commands for displaying user interface panels that further discloses loading windows through selection from a menu on the display (column 4, lines 10-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to place the user selectable commands in a menu. One would have been motivated to place the commands in a menu in Farry to enable the user to view the various commands in one location. While neither reference explicitly disclosed at least one of the plurality of user selectable commands ceases to be displayed in the menu upon occurrence of a predetermined event other than user deletion, it would have been obvious to one having ordinary skill in the art at the time the invention to do so. The user may choose to shut down the system, which in turn would remove the display of the entire menu and the user selectable commands. One would have been motivated to cause the user selectable commands to cease to be displayed upon occurrence of a predetermined event other than user deletion for design choice.

Claim 20: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 19 above, and Farry further discloses the menu is not continuously displayed on the graphical user interface, and wherein a user can cause the menu to be displayed by selecting an input control for the menu (column 8, lines 44-47).

Claim 21: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 20 above. While neither reference explicitly disclosed the user selectable command ceasing to be displayed in the menu is noticeable to the user at a first time the menu is displayed after the second user input is received, it would have been obvious to one having skill in the art at the time the

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invention was made to do so. One would have been motivated to make the user selectable command visible at a first time the menu is displayed after the second user input is received in order to enable the user to view the command that corresponds to the desired panel.

Claim 22: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claim 19 above. While neither reference explicitly disclosed the application program is being executed when the first user input is received and thereafter closed before the second user input is received, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. Additionally, no patentable weight is given to the order in which the application programs are closed. One would have been motivated to close the application program before the second user input is received to free screen space.

Claims 23 and 28: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 1 and 9 above, and Farry further discloses a plurality of user selectable commands is displayed in the menu (column 12, lines 49-58).

Claims 24 and 29: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 15 and 33 above, and Farry further discloses at least two of the plurality of user selectable commands are

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associated with panels that belong to different application programs (column 2, lines 15-27).

Claims 25 and 30: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 23 and 28 above. While neither reference explicitly disclosed at least one of the plurality of user-selectable commands does not cease to be displayed in the menu upon user selection, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to include this feature in order to enable the user to keep track of the selectable commands associated with specific panels of interest.

Claims 26, 31, and 36: Farry and Kitami disclose a method and system for selectable commands for displaying user interface panels as in Claims 19, 27, and 32 above. While neither reference explicitly disclosed the predetermined event is one selected from the group consisting of: user selection of the user selectable command, passage of a predetermined amount of time, an application program to which the selected panel belongs being closed, a computer system to which the graphical user interface belongs being shut down, a predetermined number of user-selectable commands being included in the menu after the user-selectable command is created, and combinations thereof, it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to do so. One would have been motivated to designate the predetermined event as an event selected from the previously mentioned group for design choice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
4/16/07


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